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HOUSE BILL 39

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE NIGHT SKY PROTECTION ACT; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the "Night Sky Protection Act".

Section 2. PURPOSE. -- The purpose of the Night Sky Protection Act is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

Section 3. DEFINITIONS. -- As used in the Night Sky Protection Act:

A. "outdoor lighting fixture" means an outdoor artificial illuminating device, whether permanent or portable,

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1 used for illumination or advertisement, including
2 searchlights, spotlights and floodlights, whether for
3 architectural lighting, parking lot lighting, landscape
4 lighting, billboards or street lighting; and

5 B. "shielded" means a fixture that is shielded in
6 such a manner that light rays emitted by the fixture, either
7 directly from the lamp or indirectly from the fixture, are
8 projected at least fifteen degrees below a horizontal plane
9 running through the lowest point on the fixture where light is
10 emitted.

11 Section 4. SHIELDING OF OUTDOOR LIGHT FIXTURES. -- All
12 outdoor lighting fixtures shall be shielded, except
13 incandescent fixtures of one hundred fifty watts or less and
14 other sources of seventy watts or less.

15 Section 5. NONCONFORMING LIGHT FIXTURES. --

16 A. In addition to other exemptions provided in the
17 Night Sky Protection Act, an outdoor lighting fixture not
18 meeting these provisions shall be allowed, if the fixture is
19 extinguished by an automatic shutoff device between the hours
20 of 11:00 p.m. and sunrise.

21 B. No outdoor recreational facility, whether
22 public or private, shall be illuminated after 11:00 p.m.
23 except to conclude any recreational or sporting event or other
24 activity conducted, which is in progress prior to 11:00 p.m.
25 at a ballpark, outdoor amphitheater, arena or similar

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1 facility.

2 Section 6. USE OF MERCURY VAPOR LIGHTING FIXTURES. -- No
3 new mercury vapor outdoor lighting fixtures shall be sold or
4 installed after January 1, 2000. No replacement equipment or
5 bulbs for mercury vapor lighting fixtures shall be sold in the
6 state after January 1, 2001.

7 Section 7. EXEMPTIONS. --

8 A. The following are exempt from the requirements
9 of the Night Sky Protection Act:

10 (1) outdoor lighting fixtures existing and
11 legally installed prior to the effective date of the Night Sky
12 Protection Act; however, when existing lighting fixtures
13 become inoperable, their replacements are subject to all the
14 provisions of the Night Sky Protection Act;

15 (2) outdoor lighting fixtures used on land or
16 facilities under the control of the federal government; and

17 (3) navigational lighting systems at airports
18 and other lighting necessary for aircraft safety at airports.

19 B. The provisions of the Night Sky Protection Act
20 are cumulative and supplemental and shall not apply within any
21 county or municipality that, by ordinance or resolution, has
22 adopted provisions restricting light pollution that are equal
23 to or more stringent than the provisions of the Night Sky
24 Protection Act.

25 Section 8. CONSTRUCTION INDUSTRIES DIVISION--

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DUTIES.--The construction industries division of the regulation and licensing department shall review the outdoor lighting provisions in the uniform building codes used in New Mexico and make recommendations for appropriate changes to comply with the provisions of the Night Sky Protection Act.

Section 9. VIOLATIONS--PENALTY.--Any person, firm or corporation violating the provisions of the Night Sky Protection Act is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 January 29, 1999
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8 Mr. Speaker:
9

10 Your ENERGY AND NATURAL RESOURCES COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 39
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

- 17 1. On page 2, line 8, strike "at least fifteen
18 degrees".
19
20 2. On page 2, line 12, after "fixtures" insert
21 "installed after January 1, 2000".
22
23 3. On page 3, line 4, after the period, strike the
24 remainder of the line and strike lines 5 and 6 in their
25 entirety.

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FIRST SESSION, 1999

3 HENRC/HB 39

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4
5 4. On page 3, line 13, strike "inoperable" and insert
6 in lieu thereof "unrepairable".

7 5. On page 3, line 16, strike "and".

8
9 6. On page 3, line 18, strike "at airports." and
10 insert in lieu thereof "; and".

11 7. On page 3, between lines 18 and 19, insert the
12 following new paragraph:

13
14 "(4) outdoor lighting fixtures that are
15 necessary for worker safety at farms, ranches, dairies,
16 feedlots or industrial, mining or oil and gas facilities."

17
18 8. On page 4, between lines 5 and 6, insert the
19 following new section to read:

20 "Section 9. COSTS OF REPLACEMENT--RECOVERY. --If public
21 utilities are required pursuant to the provisions of the
22 Night Sky Protection Act or by local government ordinances
23 to accelerate replacement of lighting fixtures, the cost of
24 such replacement shall be included in rates approved by the
25 public regulation commission."

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4 9. Renumber the succeeding section accordingly.

5
6 10. On page 4, line 8 after "Act", strike the
7 remainder of the line and strike lines 9 and 10 in their
8 entirety.

9
10 11. On page 4, line 8 after "Act" insert "shall be
11 punished as follows:

12 "A. for a first offense \$100 (one hundred
13 dollars) for each offending fixture, provided however such
14 fine will be reduced by the cost of replacement;

15
16 B. for a second offense, or a continuing offense
17 which continues for six months from the date of citation,
18 \$500 (five hundred dollars) for each offending fixture
19 provided, however, such fine will be reduced by the cost of
20 replacement;

21 C. for a third offense or a continuing offense
22 which continues for 12 months from the date of citation, the
23 offending fixture shall be subject to forfeiture.",

24 and thence referred to the JUDICIARY COMMITTEE.
25

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3 HENRC/HB 39

Page 8

4
5 Respectfully submitted,

8 _____
9 James Roger Madalena, Chairman

11 Adopted _____

11 Not Adopted _____

12 (Chief Clerk)

12 (Chief Clerk)

14 Date _____

16 The roll call vote was 6 For 2 Against

17 Yes: 6

18 No: Kissner, Roberts

19 Excused: Parsons, Picraux

20 Absent: None

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23 J: \99BillsWP\H0039

25 . 124309. 2

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 15, 1999

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6
7 Mr. Speaker:

8
9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 39, as amended

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS, amended as follows:

14
15 1. On page 2, line 8, after projected, strike "at
16 least fifteen degrees".

17
18 2. On page 3, line 4, after "2000" insert ", except
19 that fixtures contained in an inventory at the effective
20 date of this act may be installed until January 1, 2001".

21 3. Strike House Energy and Natural Resources Committee
22 Amendments 6 and 7.

23
24 4. On page 3, strike lines 15 and 16 in its entirety.

25 5. On page 3, line 18, strike "at airports." and

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3 HJ/HB 39

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4 insert in lieu thereof a semicolon.

6 6. On page 3, between lines 18 and 19, insert the
7 following new paragraphs:

8 "(4) outdoor lighting fixtures that are
9 necessary for worker safety at farms, ranches, dairies,
10 feedlots or industrial, mining or oil and gas facilities;
11 and

13 (5) outdoor lighting fixtures at
14 correctional facilities."

17 Respectfully submitted,

21 _____
22 R. David Pederson, Chairman

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Godbey, Luna, Mallory, Sanchez

Absent: None

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1 FORTY- FOURTH LEGI SLATURE

2 FIRST SESSION, 1999

HB 39/a

3
4 March 4, 1999

5
6 Mr. President:

7
8 Your CONSERVATION COMMI TTEE, to whom has been referred

9 HOUSE BILL 39, as amended

10
11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 2, line 23, after "except" insert "for a
15 national or international tournament or".

16
17 2. On page 3, between lines 9 and 10, insert the
18 following new paragraph:

19 "(1) outdoor lighting fixtures on advertisement
20 signs on interstates and federal primary highways;".

21
22 3. Renumber the succeeding paragraphs accordingly. ,

23
24 and thence referred to the PUBLIC AFFAIRS COMMI TTEE.

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FIRST SESSION, 1999

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Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: Griego, Leavell

Excused: Lyons, Payne, Sanchez, Vernon

Absent: None

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2 FORTY-FOURTH LEGISLATURE
3 FIRST SESSION, 1999

HB 39/a

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5
6 March 17, 1999

7
8 Mr. President:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 39, as amended

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17 1. Strike House Energy and Natural Resources Committee
18 Amendment 11.

19
20 2. On page 4, line 8, after "Act" strike the remainder of
21 the line, strike lines 9 and 10 in their entirety and insert:

22 "shall be punished as follows:

23
24 A. for a first offense, the offender may be issued a
25 warning; and

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B. for a second offense or offense that continues for
thirty days from the date of the warning, twenty-five dollars
(\$25.00) minus the replacement cost for each offending
fixture. "

Respectfully submitted,

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Michael S. Sanchez, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Davis

Excused: Aragon, Stockard, Tsosie

Absent: None

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